

# Order

**Michigan Supreme Court  
Lansing, Michigan**

May 30, 2018

Stephen J. Markman,  
Chief Justice

156579

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

GENESEE COUNTY DRAIN COMMISSIONER  
JEFFREY WRIGHT,  
Plaintiff-Appellee,

and

CHARTER TOWNSHIP OF FENTON, DENNIS  
BOW, KARYN MILLER, BONNIE MATHIS,  
PAULA ZELENKO, MARILYN HOFFMAN,  
LARRY GREEN, JAKE LAFURGEY, RAY  
FOUST, DAVID GUIGEAR, ROBERT M.  
PALMER, RICK CARUSO, WILLIAM W.  
KOVL, MAXINE ORR, VILLAGE OF  
GOODRICH, VILLAGE OF GAINES, VILLAGE  
OF LENNON, CHARTER TOWNSHIP OF  
MUNDY, TOWNSHIP OF ARGENTINE,  
CHARTER TOWNSHIP OF FLINT, CHARTER  
TOWNSHIP OF MT. MORRIS, TOWNSHIP OF  
GAINES, and CITY OF FLUSHING,  
Plaintiffs,

v

SC: 156579  
COA: 331023  
Genesee CC: 11-097012-CK

GENESEE COUNTY,  
Defendant-Appellant,

and

GENESEE COUNTY BOARD OF  
COMMISSIONERS,  
Defendant.

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On order of the Court, the application for leave to appeal the August 22, 2017 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether the Court of Appeals erred in holding that the plaintiff's claim of unjust enrichment was not subject to governmental immunity under the Governmental Tort Liability Act, MCL 691.1401 *et seq.*, see *In re Bradley Estate*, 494 Mich 367 (2013), because it was based on the equitable doctrine of implied contract at law. See *Restatements of the Law 3d, Restitution and Unjust Enrichment* (2011). In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

Persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



s0523

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 30, 2018

Clerk